



Please feel free to write, e-mail or call the editor with any questions you would like to see addressed in this column.

Ask SAF....

Q

What medical benefits am I entitled to under workers' compensation insurance?

A

Your insurance will pay 100% of the hospital, surgical and treatment expenses directly related to your injuries. There is no maximum limit on the

amount of these expenses. The amounts that physicians or hospitals can charge are set by the SC Workers' Compensation Commission (WCC). The difference between what the physician or hospital charges and the amount set by the WCC is not the responsibility of the injured worker and you are not responsible for paying the difference.

Welcome New Policyholders!

Clarendon Memorial Hospital
Manning, SC

Couchton Fire/Rescue
Aiken, SC

Darlington County DSN Board
Hartsville, SC

Due West Rescue, Inc.
Due West, SC

Lake Moultrie Volunteer Fire Department
Boneau, SC

New Foundations Children & Family Services
Anderson, SC

Northeast Rescue Squad
Donalds, SC

SC Education Oversight Committee
Columbia, SC

St. Johns Fire District
Johns Island, SC

The Charles Lea Center
Spartanburg, SC

Thank You!

The **SAF Source** is a quarterly newsletter published by the South Carolina State Accident Fund as a vehicle to provide news, technical information and guidance to state/local government policyholders, policymakers and others concerned with the management of workers' compensation programs.

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Heat Stress

By Russell Rush

In a normal year, about 175 Americans die from heat-related illnesses. The majority of heat-related illnesses occur during the months of May and June, before employees have become acclimatized to the hotter temperatures. Employers need to be aware of the effects heat can have on at-risk employees and when possible expose employees gradually to the heat.

Individual employees can handle heat in varying amounts due to a variety of factors. Employees with medical conditions such as high blood pressure, obesity, diabetes and heart disease run a higher risk of sustaining a heat-related illness.

Employers need to be aware of the environmental factors that can lead to a higher risk for heat-related illness. They include high temperatures, high humidity, air movement (or lack thereof), high insulation levels around the body, radiant temperature of surroundings, and amount of physical activity being performed. Any combination of the above factors will increase the danger of a heat-related illness.

Heat Stress Disorders

Heat Rash is a bumpy, red rash which itches severely. It is caused by a hot, humid environment and plugged sweat glands. Employees should wash regularly and keep the skin as clean and dry as possible.

Heat Cramps are painful muscle cramps caused by a loss of body salt. They normally occur in the arms, legs, and stomach. The symptoms may not exhibit themselves immediately. Heat cramps can be avoided by drinking plenty of non-alcoholic, caffeine-free fluids. Salt tablets may be recommended in some cases but only on a physicians order.

Heat Exhaustion results from inadequate salt and water intake. This illness occurs when the body's cooling system becomes overactive just prior to shutting down. Victims will sweat heavily, their skin will be cool and moist, and pulse weak. They may seem unusually tired, confused, clumsy, or irritable. Their vision may be blurred. Victims should be removed from the hot environment and cooled down. Immediate medical attention is needed.

Heat Stroke is the deadliest of all heat stress conditions. It occurs when the body's cooling mechanism shuts down after extreme loss of salt and fluids. The victim's body temperature will rise to 103 degrees Fahrenheit or greater, their skin will be hot, red, and dry, pulse will be fast and weak, and they may have a headache and/or dizziness. Heat stroke is considered a catastrophic illness and has a high death rate. Later stages cause a loss of consciousness and may lead to convulsions and ultimately death. Victims should be removed from the heat and cooled. Conscious victims should be offered sips of water. NEVER ATTEMPT TO GIVE AN UNCONSCIOUS PERSON ANYTHING BY MOUTH.

Engineering Controls and Practices

There are a number of things an employer can do to help avoid subjecting employees to heat-related illnesses. Windows should be opened in hot work areas. Fans should be used when possible. Postpone or schedule non-essential tasks to occur outside the hours of 10:00 a.m. to 2:00 p.m. Provide additional workers when possible to help with more strenuous tasks in hot work areas. Lightweight, bright-colored clothing should be worn when working in hot work environments. They allow the skin to breath and reflect the sun's rays while heavy, dark colors absorb heat and insulate the skin. Cool rest areas should be provided as close to the work area as possible. Ideally the rest area should be around 76 degrees Fahrenheit. Employees should be encouraged to take short, frequent breaks and drink 5 to 7 ounces of fluids for every 15 to 20 minutes of exposure to hot work conditions.

The Safety and Loss Prevention Division of the State Accident Fund offers free training to policyholders on Heat Stress in the Workplace, as well as, other employee safety and health related topics. If you have questions or would like to schedule a training session at your facility please contact us.

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WC Case Law Update

By Robert McCulloch

Third party recoveries are always of interest, because the funds recovered help to reduce employers' workers' compensation expenses. In a previous newsletter we covered total cognizable damages at law, which allows the Commission to reduce the Fund's lien against third party recoveries, and takes into account losses that can be claimed in a civil trial but not under workers' compensation.

In a 2001 decision, Breeden v. TCW, Inc. the Court of Appeals looked at the question again. Breeden was a truck driver who received brain injuries – the total insurance available came to \$11 million. Breeden alleged total cognizable damages at law as \$18-25 million, and settled with the third party for \$4.2 million. The single commissioner allowed the carrier's entire lien to stand, and also awarded additional funds to the carrier to pay for future medical care. On appeal the full commission allowed a reduction of the carrier's lien and denied additional funds to pay for the future medical expenses the carrier would incur. The Court of Appeals reversed the full commission, holding that the carrier's lien could include both past and future medical care and payments. This is significant because the carrier can recover the full lien and possibly future expenses in cases where medical and compensation expenses continue for the lifetime of the claimant.

Mental injury cases are always difficult, when there is no physical injury involved. The standard for this type of case is, "Did unusual and extraordinary conditions of employment cause the injury?" The problem lies in what constitutes unusual and extraordinary conditions of employment. The Supreme Court helped to clear things up in the 2000 case of Shealy v. Aiken County. Shealy, an undercover narcotics agent who also had a number of stressors unrelated to his job, was claiming psychological injury. The case was denied. The instructive part of the Supreme Court's ruling stated that the unusual and extraordinary conditions are determined by the conditions of the claimant's particular employment, not that of employment in general.

Another area which causes concern is total and permanent disability – the person does not have to be totally incapacitated medically. If a person can show that he or she has lost the capacity to earn a living because of an injury, that person can also be totaled. This was reiterated in 2002 Court of Appeals case, Simmons v. City of Charleston. Some of the factors to look for are age, nature of the injury, level of education, training, previous job experience and the possibility of learning another skill.

These and other cases can be read on the Internet. Log on to www.judicial.state.sc.us for past decisions, and the most recent decisions of the Supreme Court and Court of Appeals.

Would you like to be "Excluded"?

We occasionally receive requests from professional organizations and publishers for our mailing list. This information is limited to names and business addresses only and will not include telephone numbers or other information. If you **do not** want your name and business address released please contact Gerald Murphy at (803) 896-5815 or gmurphy@saf.state.sc.us and your information will be removed from the list.

"DE" FINING OUR FORMS

Part 2:

By Connie Mack

Why are you still paying this employee "Lost Time Benefits"? I told you weeks ago, they came back to work.

It seems logical that payments should stop when the employee is no longer entitled to them, but it is not always that simple. Sometimes it requires a Form 17.

The Form 17 is the receipt of compensation. This form is sent out to the injured worker for signature and is required to be filed with the Workers' Compensation Commission to stop temporary total benefits.

If we do not obtain an injured worker's signature on the Form 17, by law we are required to file a Form 21 to request a stop-pay hearing and continue to pay lost time benefits until the hearing.

If we stop paying benefits, the Commission can assess a \$100.00 fine for failure to submit a signed Form 17 and at the exact same time assess another \$100.00 fine for failure to file a Form 21 for a stop pay hearing.

In most cases, I have found the injured worker who doesn't sign and return the

Form 17 is not being defiant. They simply feel threatened by signing something if they have not completed their treatment.

Many injured workers have no idea the importance of a mere signature on a form. They do not understand why they are still

This is the second part of a three part series on Forms and Fines written by claim adjuster Ms. Connie Mack.

Background: It is the responsibility of the SC Workers' Compensation Commission to administer the South Carolina Workers' Compensation Law, generally found in Title 42 of the Code of Laws of South Carolina. In accordance with the Administrative Procedures Act, the Commission also promulgates rules and regulations necessary to implement the provisions of Title 42. Since July 1, 2000 the Commission has collected over \$336,000 in fines from insurers for failure to comply with the laws, rules, and regulations. A large number of these fines are a direct result of failure to file forms in a timely manner.

work together to educate the injured worker on the requirements of the SC Workers' Compensation Law, we may be able to reduce their reluctance to sign these forms, and reduce the number of fines received.

receiving weekly benefits checks after they return to work. Some even become angry with the adjuster for sending them money, but are still afraid to sign anything.

This is one area where adjusters could definitely use a little help from the policyholders. If an injured worker is not represented by legal counsel, the adjuster usually explains the form to them thoroughly. However, we do not know these people personally. Normally, the policyholder has a much closer relationship with the injured worker.

Injured workers need to be informed. If the adjuster and policyholder

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**A New Millennium,
A New Dedication to Safety**

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WWW.STATE.SC.US/SAF**

The ABCs of Workers' Comp

Loss Control — Those measures taken to reduce the frequency and /or severity of accidents. Loss prevention measures such as installing guards on machinery, implementing lock out tag out procedures, and requiring employees to complete training prior to performing tasks that pose a hazard are all designed to reduce the frequency of accidents. Loss reduction measures include such things as implementing a return to work program.

Independent Medical Examinations (IME) — These normally consist of a review of a patient's medical history and treatment to date and possibly a physical examination. The IME helps the treating physician make a medical determination as to causation, current physical impairment, and the need for present or future treatment.

Utilization Reviews — A process for evaluating the necessity, frequency, and the cost of medical treatment.

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Thank You!

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STATE DOCUMENTS

The State Accident Fund would like to sincerely thank those policyholders who took the time to complete and return our annual survey. A total of 558 surveys were mailed out and we received 203 responses. That is a response rate of over 36%.

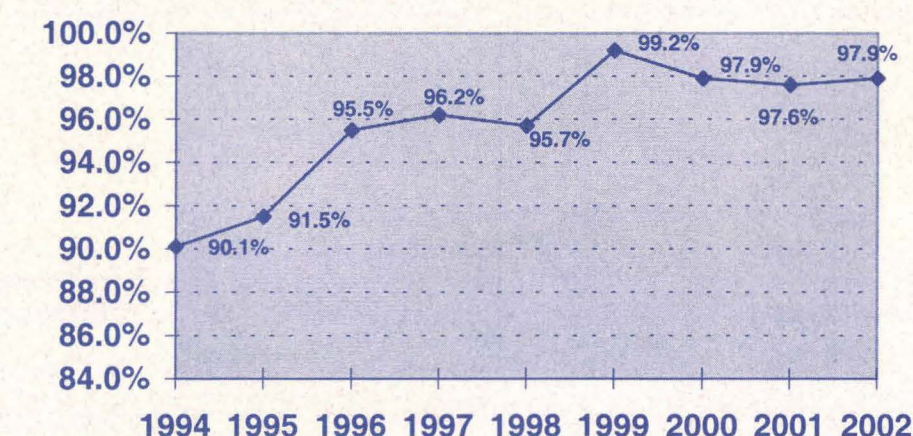
The customer survey program was developed and implemented in 1994. Its primary purpose is to measure the quality of the various services provided by the agency's staff and its contractors. The survey also serves as our primary means of soliciting customer recommendations.

Your responses provide us with insight into what you, our customers, feel is most important. They allow us to monitor our progress, allocate resources, and set priorities for the coming year. The responses enable us to evaluate the impact structural and process changes have on the services you receive.

Over the years the information you have provided through the survey has proven to be invaluable.

This year 97.9% of the responses received were positive.

Percentage of Positive Customer Responses



Based on your responses we will be able to identify additional opportunities to better serve you in the future.

Thank you again for your input!

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